

**Town of Milton
Board of Adjustments
Historic Preservation Board
Special Meeting per John Brady
September 12, 2006**

Chairman John Collier opened the meeting of The Historic Preservation Board

Members Present:	John Collier	Jack Vessels	Brenda Burns
	Joan Martin-Brown	Matt Dotterer	Marion Jones
	Larry Savage		

Others Present:	Robin Davis	John Brady
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Historic Preservation Board

Chairman John Collier opened the meeting.

- 1. An application first heard on August 22, 2006, regarding the demolition permit for the removal of two buildings located on 114 Union Street and 116 Union Street, further identified by the Sussex County Tax Map Parcel numbers 2-35-14.19-110.00 and 2-35-14.19-111.00, which is located in the historical overlay District.*

John Collier: Meeting was called by Mr. John Brady because of some documentation that has come into the Town regarding above properties.

Mr. Brady: The letter stated the parking spaces outside this building should be blocked off and that there was an eminent danger of the building collapsing. Felt that there should be immediate action taken to condemn this building, which is why the Chairman was not called first.

John Collier: Read ordinance 4.9.7 item 4 which relates to demolition, "Code Enforcement Officer shall have the authority to grant an emergency demolition contract".

Mr. Brady: Because application was pending I suggested the emergency meeting because the Board had already considered ordinance and did not want to supersede authority.

Mr. Dusbiber: (representing Mr. Bailey) have received an updated structural report from structural engineer who is present tonight, has been in touch with DelDot to request that the road be closed during demolition, touched base with Chief Phillips asking for any concerns the Chief may have and has not heard anything from him, and has brought construction manager.

John Collier: concerns about the Theatre having an independent foundation and will not be affected by the demolition.

Dr. Wagner: after doing a walk through feels comfortable that the Theatre will not be affected.

Brenda Burns: read section 1 number 4 "possible that the renovations to the Theatre over the years resulted in some dependence on the Presta building". (To Dr. Wagner) "Were you aware of that?"

Dr. Wagner: there is no evidence of that.

John Collier: what is it you will be doing in demolition?

Mr. Dusbiber: the only thing that will be kept will be part of the brick wall along the water.

Brenda Burns: Main concern is to protect the flow of the water.

Mr. Brady: this is the first time there was documentation of possible risk, that is where the public safety risk came into consideration.

John Collier: (questions for Mr. Brady) definition on demolition, what one do we follow?

Mr. Brady: Historic overlay 4.97, demolishing 97% with remaining 3% left to protect the riprap, etc. Town Code supersedes the Zoning Ordinance; however, using the Zoning Ordinance and the

Historic Ordinance as a guideline a permit can be approved that allows the demolition of all the unsafe areas while maintaining the one wall to protect the riverbank.

John Collier: have you gone through all the steps required?

Robin Davis: letter is being written but has not been sent.

Joan Martin-Brown: Can a demolition permit be issued with conditions?

Mr. Brady: it can be done if motion says approve demolition all except the area of protection.

Joan Martin-Brown: Is there some guidance as to a minimum of feet that will be left of the wall?

Mr. Dusbiber: feels that there should not be precise numbers in the event of unforeseen circumstance.

Mr. Brady: you can be precise and then come back again to the Board and explain any changes that are necessary.

Brenda Burns: read 4.9.8 number 8, have the option of a condition to hold the water back.

Marion Jones: have an independent structural engineer review the Theatre; has an action taken place since September 6th?

Dr. Wagner: no.

Marion Jones: you feel satisfied that nothing will happen to the Theatre?

Dr. Wagner: yes.

Marion Jones: What are the measures that should take place before the demolition?

Dr. Wagner: there aren't any measures that we can take that will make any difference until the demolition is taking place.

John Collier: (addressing the Board) feels before they move forward 1. A time frame should be set to make an adequate inspection of the exterior wall of the Theatre, 2. A provision for the sidewalk should be made, 3. Would like to see a Sediment and Stormwater Control Plan (read 4.10.1), and 4. There will be a need for a staging area on private property due to busy downtown and limited parking.

Joan Martin-Brown: what time do you project for completion with good weather?

Mr. Dusbiber: 7 a.m. to 3:30 p.m. for 2 weeks.

John Collier: one other thing to address is the security of the site, in other words fencing.

Jack Vessels: it should be something removable.

John Collier: feels during demolition a chain-link fence would be fine, however, he is concerned with after the demolition is over. Due to it being a historic site, feels the fencing should be secured and wants the fencing should be a condition set by the Board.

Brenda Burns: not recorded in minutes but on August 22 Mr. Dotterer brought up Mulberry Street was under construction making Union and Federal streets the main streets. Feels that the demolition should be postponed until Mulberry Street is complete because of traffic flow.

Mr. Brady: question of who would be the contact person, that would be the Code Enforcement Officer.

Brenda Burns: Add a condition to the demolition permit that they add additional support to the riprap and/or remaining wall along the shore line so as not to disturb the flow of the river. Needs to be addressed that it will be their responsibility if damage occurs.

John Collier & Mr. Brady: this issue is addressed by Code.

Mr. Dusbiber: If they cannot meet these conditions what do we do?

John Collier: Any decision can be appealed to the Council and once construction is underway you can come back to us.

Mr. Brady: read 4.9.7 procedure subpart 3I. If something comes up after demolition is underway, notify Code Enforcer and Chairman right away and come back to the Board for review.

John Collier: recommends the approval of this application with conditions. 1. The Theatre be given adequate time to have their wall structurally inspected, 2. Receive written traffic approval from Chief Phillips before they proceed with demolition, 3. Provide for stabilization of not only the riverbank and riprap but the sidewalk as well, 4. Provide a staging area on private property during demolition, 5. Make an effort to coordinate with Town events, 6. Temporary chain-linked fencing for the site during demolition, then come back with a presentation for permanent fencing once demolition is complete, and 7. Maintain the integrity of the support wall on the stream side and riprap.

Mr. Brady: Code requires that if something happens the structural engineer will be liable.

John Collier: makes a motion that the Board approves a demolition permit with the following conditions: 1. once demolition proceeds and when feasible the Theatre be given written notification and is given time to have their wall inspected, 2. written traffic approval from the Chief be received and on file with the Town as requested, 3. stabilize and maintain the integrity of the sidewalk, 4. find a staging area on private property for the overnight storage of equipment, 5. coordinate with the Town and Theatre any events, 6. during demolition is approved for a chain-linked fence, after demolition is complete they need to return to be approved for a more permanent fence, and 7. maintain the integrity the remaining support wall and the riprap against it.

Mr. Brady: please add the following statement: "This granting is based on the finding that the Board of Adjustment states based on the evidence of the Presta property as designated by the address and parcel number given in such a state of disrepair so as to be a hazard and is beyond reasonable efforts of rehabilitation and repair

John Collier: So added. Jack Vessels seconds the motion. Are there any conditions you don't agree with Mr. Dusbiber?

Mr. Dusbiber: no.

John Collier: any other questions? Let's have a roll call vote.

Ms. Burns	"approved"
Mr. Dotterer	"approved"
Ms. Jones	"nay"
Mr. Savage	"approved"
Ms. Martin-Brown	"approved"
Mr. Vessels	"approved"

John Collier: gentlemen you may pick up your demolition permit.

John Collier: motion to adjourn? Ms. Martin-Brown makes a motion to adjourn at 8:15 p.m., Mr. Vessels seconds it. All those in favor "Aye". Motion carried.